

MuckRock News
DEPT MR 75474
411A Highland Ave
Somerville, MA 02144-2516
75474-92147700@requests.muckrock.com

59139

Office of the Illinois Attorney General
Public Access Counselor
500 S. Second Street
Springfield, IL 62706

RECEIVED
ATTORNEY GENERAL

JUL 30 2019

FOIA/OMA

July 26, 2019

This is a follow up to a previous request:

Sarah Pratt
Public Access Counselor
Office of the Attorney General
500 S. 2nd Street
Springfield, Illinois 62706

Filed via MuckRock.com
E-mail (Preferred): 75474-92147700@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
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411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On July 2, 2019:

Subject: RE: [External] Illinois Freedom of Information Act. Request: Untitled
Dear Yael Grauer,

Please see the attached response to your FOIA request.

Thanks,
Priscilla Chapman
Assistant General Counsel

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On June 27, 2019:

Subject: RE: [External] Illinois Freedom of Information Act. Request: Untitled

Dear Yael Grauer,

Please see the attached update regarding your FOIA request.

Thank you,

Priscilla Chapman
Assistant General Counsel

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On June 18, 2019:

Subject: Illinois Freedom of Information Act. Request: Untitled

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

- [] all records and fields from the database of all licenses with license numbers, including but not limited to names, addresses, employers, license numbers, type of license, and information on license suspensions, revocations, probations, surrenders, postponements, and disciplinary actions
 - [] all records and fields from a database of complaints on those licenses (with license numbers) (complainant zip code, name of massage therapist, who the complaint is against, address, employer, license number, type of license, zip code, and a summary of allegations), including any results of subsequent investigations
- If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

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- [] any lookup tables, code sheets, dictionaries and other documents needed to interpret the data.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes. Whenever possible, I prefer to receive the information in electronic format, especially if electronic copies will lower the cost of production. In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filed electronically, by email attachment if available.

If you choose to deny this request, please provide a written explanation for the denial, including a reference to the specific statutory exemption(s) upon which you rely, as well as documentation of any redaction based on the law. Also, please provide all segregable portions of otherwise exempt material.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Yael Grauer

Filed via MuckRock.com
E-mail (Preferred): 75474-92147700@requests.muckrock.com

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Illinois Department of Financial and Professional Regulation
Division of Professional Regulation

JB PRITZKER
Governor

DEBORAH HAGAN
Acting Secretary

CECILIA ABUNDIS
Acting Director
Division of Professional Regulation

July 2, 2019

Sent via Electronic Mail:

75474-92147700@requests.muckrock.com

Yael Grauer
MuckRock News
Dept. MR 75474
411A Highland Ave
Sommerville, MA 02144-2516

RE: Freedom of Information Act Request

Dear Yael Grauer:

The Department of Financial and Professional Regulation (Department) received your Freedom of Information Act (FOIA) [5 ILCS 140/1 et seq.] request on June 20, 2019 requesting:

- all records and fields from the database of all licenses with license numbers, including but not limited to names, addresses, employers, license numbers, type of license, and information on license suspensions, revocations, probations, surrenders, postponements, and disciplinary actions
- all records and fields from a database of complaints on those licenses (with license numbers) (complainant zip code, name of massage therapist, who the complaint is against, address, employer, license number, type of license, zip code, and a summary of allegations), including any results of subsequent investigations If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.
- any lookup tables, code sheets, dictionaries and other documents needed to interpret the data.

This letter is the Department's response to your request. The first portion of your request is publicly available on the Department's website at the following link:

<https://data.illinois.gov/dataset/professional-licensing>. Please be advise that your request for addresses is denied; addresses are considered personal and private information and are exempt from disclosure pursuant to Sections 7(1)(b) & (c) of FOIA [5 ILCS 140/7(1)(b) and (c)]. In regard to your request for a dataset of complaints, your request is denied. Information regarding complaints is exempt from disclosure pursuant to Sections 7(1)(a) of FOIA, Section 168 of the Massage Licensing Act, Section 2105-117 of the Civil Administrative Code, and Section 1326.220(a) of the Illinois Administrative Code [5 ILCS 140/7(1)(a); 225 ILCS 57/168; 20 ILCS 2105/2105-117; 2 Ill. Admin. Code 136.220(a)].

Finally, your request for tables, code sheets, and dictionaries to interpret the above data, is denied because the Department does not have any responsive documents.

Section 7(1) of FOIA states in pertinent part as follows:

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

- (a) information specially prohibited from disclosure by federal or state law or rules and regulations implementing federal and state law
- (b) Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order.
- (c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

Section 168 of the Massage Licensing Act states:

Sec. 168. Confidentiality.

All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or to a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

Section 2105-117 of the Civil Administrative Code states:

Sec. 2105-117. Confidentiality.

All information collected by the Department in the course of an examination or investigation of a licensee, registrant, or applicant, including, but not limited to, any complaint against a licensee or registrant filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Director, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person...

Section 1326.220 of the Illinois Administrative Code states in pertinent part:

In response to a request submitted pursuant to FOIA, the Division will not disclose certain records as provided in this section. Records covered under this section include, but are not limited to:

(a) complaints received by the Division against Licensees or unlicensed persons or entities.

This determination has been made by the Illinois Department of Financial and Professional Regulation, FOIA officer Lisa R. Schlessinger.

You have the right to have the denial of your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. You can file your Request for Review with the PAC by writing to:

Sarah Pratt
Public Access Counselor
Office of the Attorney General
500 S. 2nd Street
Springfield, Illinois 62706
(877) 299-3642

You also have the right to judicial review of your denial by filing a lawsuit in the State circuit court. 5 ILCS 140/11.

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

Please contact me should you have any questions or concerns.

Sincerely,

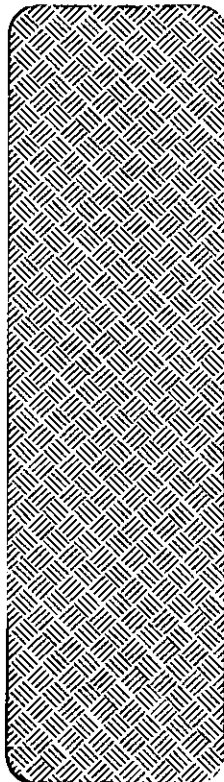
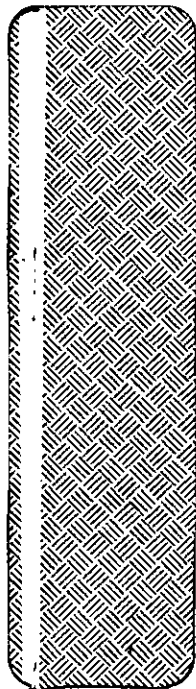
Priscilla Chapman

Priscilla Chapman
Assistant General Counsel

BOSTON MA 021

26 JUN 2019 PM 7 L

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